

February 7, 2006

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, February 7, 2006 at 6:00 p.m. in the Board Room of the Walton County Government Building, 303 South Hammond Drive, Suite 330, Monroe, Ga. Those present included Chairman Kevin Little, Commissioners Clinton Ayers, Michael Turner, Vickie Gasaway, Lamar Palmer, Gerald Atha and John Robinson, County Clerk Leta Talbird, County Attorney Bill Childers, Personnel Director Karen Fraser, Financial Officer Christie Pickens and Planning Director Mike Martin. A list of citizens and other employees in attendance at this meeting is on file in the auxiliary file under this meeting date.

Chairman Little called the meeting to order at 6:09 p.m. and led those present in the Pledge of Allegiance. Commissioner Robinson opened the meeting in prayer.

Commissioner Turner made a motion to adopt the agenda as presented, with requested additions. Commissioner Atha seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Conditional Use for a gated private drive subdivision with variance to allow roll-back curb for Estate Builders. The effected property is located on Powers Road and is further identified on WC Tax Map C164 Parcel 84 & C179 Parcel 88. Chairman Little opened the public hearing on the matter. Ed Midura of Estate Builders came before the Board in support of the request. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion, seconded by Commissioner Ayers, to approve the Conditional Use. All voted in favor.

The Board considered a request to table a decision on a Planning Commission recommendation to deny a Conditional Use for a Christian Retreat Center Camp for David & Stephanie Palusky. The effected property is located at 62 Knox Chapel Road and is further identified on WC Tax Map C 186, Parcel 3A. Chairman Little opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicant, requested the Board table the matter in order for the applicant to meet with homeowners in the area to resolve issues they have with the request. Wolfgang Shuler, representing those opposing the Conditional Use, asked those in attendance who oppose the request to stand. He stated that the opponents need ample time to consider the changes being proposed by the applicant. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to table a decision on the request until the March 7, 2006 meeting. Commissioner Gasaway seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from A-1 to B-2 on .76 acres for a used car lot for Priceland Holdings, Inc./Sheri Price. The effected property is located at 2600 Ga. Hwy. 11 and is

further identified on WC Tax Map C 85, Parcel 98. Chairman Little opened the public hearing on the matter. Sheri Price came before the Board in support of the request. Ms. Price presented a new, engineered drawing of the proposed car lot. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Atha made a motion to approve the rezone with the conditions that the applicant will provide a full site plan sealed by an architect, landscape architect or an engineer registered in the State of Georgia, DOT approval of access to site prior to issuance of a development permit, provide a letter from an approved architect in regard to converting the residential structure into commercial business use, comply with the tree ordinance and comply with the ordinance as to the number of spaces you can have for a car lot. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a land use amendment to text in Article 4, Part 2 Section 170 (WP-2) watershed overlay district submitted by Neslee, LLC. The request is to adjust the residential development requirements for property serviced by sewer to read similar to the WP-1 watershed overlay district. Chairman Little opened the public hearing on the matter. Attorney Doug Dillard, representing the applicant, came before the Board in support of the land use amendment. Mr. Dillard also presented the next matter on the agenda, Land Use designation change from industrial to high density residential and rezone from A-1 to R-1 RND Overlay on 60 acres and Land Use designation change from industrial to commercial and rezone from A-1 to B-2 for commercial use on 8.56 acres for Neslee, LLC/Anderson Malcom. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to deny the amendment as submitted and to approve the following: Revise Section 170 – Development Regulations to add item “C”. C. Residential developments serviced by public sewer shall be allowed in the R-1 RND Overlay District as follows: 1. Density: the density shall be two (2) lots per one (1) acre. Commissioner Atha seconded the motion. Commissioners Ayers, Gasaway, Palmer, Atha and Robinson voted in favor of the motion. Commissioner Turner opposed the motion. The motion carried 5-1.

The Board considered a Planning Commission recommendation to approve a Land Use designation change from industrial to high density residential and rezone from A-1 to R-1 RND Overlay on 60 acres and Land Use designation change from industrial to commercial and rezone from A-1 to B-2 for commercial use on 8.56 acres for Neslee, LLC/Anderson Malcom. The effected property, owned by Neslee LLC & Lewis R. Mobley, is located on Georgia Highway 11 and Mt. Paran Church Road and is further identified on WC Tax Map C 138, Parcels 1 & 2A. The purpose of the request is to rezone 60 acres for a single-family residential subdivision and 8.56 acres for commercial use. Chairman Little held the public hearing on this matter simultaneously with the previous request by Neslee, LLC for a land use amendment. Attorney Doug Dillard, representing the applicant, presented the request along with the prior request for a land use amendment. There was no one present in opposition. Commissioner Palmer made a motion to approve the land use amendment on 8.56 acres from industrial to commercial and 60 acres from industrial to high density. He further moved to approve the rezone

from A-1 to B-2 on 8.56 acres and rezone from A-1 to R-1 RND with two (2) units per one (1) acre on 60 acres. Commissioner Atha seconded the motion. Commissioners Ayers, Gasaway, Palmer, Atha & Robinson voted in favor. Commissioner Turner opposed the motion. The motion carried 5-1.

The Board considered a Planning Commission recommendation to approve an amendment to the Walton County Land Development Ordinance – OA05120009 dated 10-7-05 per errata sheet dated 12-2-05. Chairman Little opened the public hearing on the matter. Charna Parker of the Planning & Development Office reviewed the four changes with the Board. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the amendment. Commissioner Ayers seconded the motion; voted and carried unanimously.

Attorney Andrea Pickens, on behalf of former County Attorney Ken Lander, reviewed a negotiated settlement and consent order in Case #Z05020003 – Alan Ridgeway. Ms. Pickens stated that the proposed settlement has been placed in the Court pursuant to the Board's approval. Chairman Little opened the public hearing on the matter. Attorney Kristine Tarrer, representing opponents to the rezone, raised objections regarding the requirement for notice for the public hearing and the consent order as well as the vagueness of the agreed upon concessions contained in the consent order. Milton Lemon stated that he would like an opportunity to review the revised plan on paper before the Board makes a decision on the matter. Phil Lanier also spoke in opposition. Chairman Little closed the public hearing on the matter. Commissioner Robinson made a motion to table a decision on the consent order until the March 7, 2006 meeting. Commissioner Palmer seconded the motion. All voted in favor.

Commissioner Gasaway made a motion, seconded by Commissioner Ayers, to accept the following rights of way: Smokerise@ Mountain Creek – Smokerise Drive & Chimney Trace, Forester Downs – Forrester Cemetery Road, Charleston Heights – Charleston Avenue & Market Square. All voted in favor.

The Board considered a request to waive curb and gutter requirements from the developer of Griffin Manor. The subdivision is a 29.893 acre tract which is being developed with 13 lots, all of which will be two acres or larger. Commissioner Atha made a motion to approve the request. Commissioner Gasaway seconded the motion; voted and carried unanimously.

The Board considered a request from the Finance Department for approval of two temporary positions along with the necessary budget amendments. After discussion, Commissioner Turner made a motion to approve one temporary position for the time of the maternity leave period of the full time employee, up to twelve (12) weeks, along with the required budget amendment. Commissioner Robinson seconded the motion. Commissioners Turner, Gasaway, Palmer and Robinson voted in favor of the motion. Commissioners Ayers and Atha opposed the motion. The motion carried 4-2.

The Board considered a resolution requesting Walton County's legislative delegation repeal Georgia Laws 1996, P. 4362 (Act No. 889) and in its place enact a fair and representative piece of local legislation in which all full time elected officials are paid an equal base salary, excluding supplements and to define Walton County's full-time elected officials as the Probate Judge, the Clerk of Superior Court, the Chairperson of the Board of Commissioners, the Tax Commissioner, the Sheriff and the Chief Magistrate Judge. Chairman Little recused himself from deliberation on the matter and Vice Chairman Robinson presided.

At 7:35 p.m., Commissioner Gasaway made a motion to enter into executive session to discuss personnel matters and potential litigation. Commissioner Turner seconded the motion. Commissioners Ayers, Turner, Gasaway, Palmer & Atha voted in favor.

At 8:40 p.m., Commissioner Atha made a motion, seconded by Commissioner Turner, to return to regular session. Commissioners Ayers, Turner, Gasaway, Palmer & Atha voted in favor. No votes were taken while in executive session.

Probate Judge Greg Adams and Chief Magistrate Judge Mike Burke came before the Board in support of the aforementioned resolution. Sheriff Chapman spoke in support of the Chief Magistrate Judge being included in the local legislation. Commissioner Turner made a motion to deny adoption of the resolution at this time with the stipulation that the Board of Commissioners work with the elected officials to draft a resolution suitable to both parties for consideration no later than December 2006. Commissioner Atha seconded the motion. All voted in favor.

At 8:50 p.m., Chairman Little again presided.

Commissioner Ayers made a motion to table a decision on a contract with Enviromanage, Inc. for chemical roadside spraying until the March 2, 2006 meeting. Commissioner Turner seconded the motion; voted and carried unanimously.

Road Superintendent Steve Chandler presented procedures for paving dirt roads for the Board's consideration. Commissioner Atha made a motion, seconded by Commissioner Palmer, to approve the procedures as presented. All voted in favor.

Gerald Treadway and Merridy McDaniel spoke during the public comment segment of the meeting.

The Board discussed resolution of an issue regarding service areas and territorial boundaries for water service between the City of Loganville and the Walton County Water & Sewerage Authority. The Board reviewed value calculations for the Loganville territory transfer prepared by Frank Sherrill. Commissioner Turner made a motion to send the numbers to Frank Sherrill and instruct him to verify those numbers and submit a letter stating that there is sufficient cash flow to take care of the bond company, or not, to this Board and if there is sufficient cash flow to take care of the bond company and satisfy

their needs, then instruct the County Attorney to move ahead with the settlement with Loganville and the expansion of the service area. Commissioner Robinson seconded the motion. Commissioners Turner, Gasaway, Palmer, Atha & Robinson voted in favor of the motion. Commissioner Ayers opposed the motion. The motion carried 5-1.

At 9:15 p.m., Commissioner Turner made a motion, seconded by Commissioner Ayers, to enter into executive session to discuss personnel issues and litigation. Commissioners Ayers, Turner, Gasaway, Palmer, Atha & Robinson voted in favor.

At 9:30 p.m., Commissioner Gasaway made a motion, seconded by Commissioner Turner, to return to regular session. Commissioners Ayers, Turner, Gasaway, Palmer, Atha & Robinson voted in favor. No votes were taken while in executive session.

Commissioner Turner made a motion to appoint Kirby Atkinson as County Attorney. Commissioner Gasaway seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion to amend his earlier motion regarding the expansion of the Loganville service area to put a 30-day maximum deadline on the numbers coming back to the Board on the Water Authority's usage for the Loganville settlement and to direct the Director of the Water Authority take charge to see that it takes place. Commissioner Atha seconded the motion. Commissioners Turner, Gasaway, Palmer, Atha & Robinson voted in favor of the motion. Commissioner Ayers opposed the motion. The motion carried 5-1.

At 9:35 p.m., Commissioner Robinson made a motion, seconded by Commissioner Atha, to adjourn the meeting. All voted in favor.

All documents of record for this meeting are on file in either the addendum book or auxiliary file under this meeting date.

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KEVIN W. LITTLE, CHAIRMAN

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LETA P. TALBIRD, CLERK

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CLINTON AYERS, DISTRICT 1

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MICHAEL TURNER, DISTRICT 2

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VICKIE M. GASAWAY, DISTRICT 3

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LAMAR PALMER, DISTRICT 4

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GERALD ATHA, DISTRICT 5

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JOHN ROBINSON, DISTRICT 6